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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,888	03/05/2002	Hans Ulrich Stauber	FRR-12920	8221
40854	7590	06/02/2005	EXAMINER	
RANKIN, HILL, PORTER & CLARK LLP 4080 ERIE STREET WILLOUGHBY, OH 44094-7836			HAUGLAND, SCOTT J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/031,888	Applicant(s) STAUBER, HANS ULRICH	
	Examiner Scott Haugland	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

The language of claim 1, lines 22-27 does not positively recite structure or function of the positioning device or orienting device. This language has been interpreted as requiring that the positioning device and orienting device be capable of performing the recited steps.

The language of claim 9, lines 2-3 does not positively recite structure or function of the orienting device.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6, 9, 11, 14, 15, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehrieder et al (U.S. Patent No. 6,155,516).

Lehrieder et al discloses an installation for intermediate storage of flat articles comprising primary transport paths (associated with tracks 31, 32, 33, 34, 36, 37, 38), secondary transport path (along which car 27 travels - left to right in Fig. 1), and stations 2, 8, 9, 26 for establishing and dissolving storage formations of the articles. Entrances to the stations are located at ends of the primary transport paths. The apparatus includes mobile supporting elements (cores 53), storage spaces (along the tracks 31, etc.) for the supporting elements, a positioning device 16 for transporting the supporting elements along the primary paths, and an orienting device 27 for positioning the positioning device 16 along the secondary path and changing an orientation of it (using turntable 28). The positioning device 16 is capable of moving along the primary transport paths while being separated from the orienting device and is capable of being loaded on the orienting device.

With regard to claim 9, the orienting device is seen to be "designed" for simultaneously re-orienting one positioning device together with a further positioning device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrmann (U.S. Patent No. 6,264,133) in view of Lehrieder et al.

Herrmann discloses an installation for intermediate storage of flat articles comprising primary transport paths (extending in the Y direction parallel to rails 22 in Fig. 5), a secondary transport path (extending in the X direction in Fig. 5), stations W for establishing and dissolving storage formations of the articles, mobile supporting elements 3, 3', storage spaces L for the supporting elements, a positioning device (20, 21, and associated structure for supporting and driving them along rails 22) for transporting the supporting elements along the primary paths, and an orienting device (22 and associated mechanism for orienting and driving in the X direction).

Lehrieder et al teaches providing a roll handling facility having perpendicular primary and secondary transport path with positioning devices 16 and an orienting device 27. The positioning devices 16 transport rolls along the primary paths while being separated from the orienting device 27. The positioning devices 16 are loadable on the orienting device 27 for transport along the secondary path. The orienting device changes the orientation of the positioning device using turntable 28.

It would have been obvious to one having ordinary skill in the art to provide Herrmann with positioning devices for transporting rolls along the primary paths while being separated from the orienting device as taught by Lehrieder et al to improve

handling efficiency by allowing the orienting device to be free to transport other positioning devices while rolls are being positioned along the primary transport paths.

Response to Arguments

Applicant's arguments filed 2/22/05 have been fully considered but they are not persuasive.

Applicant argues that the positioning device for moving rolls in the Y direction in Herrmann does not transport along the primary transport paths while being separated from the orienting device and the positioning device is not loaded on the orienting device for transport along the secondary path.

However, Lehrieder et al discloses a storage installation having positioning devices 16 for transporting the supporting elements along primary paths (31, etc.), and an orienting device 27 for positioning the positioning devices 16 loaded onto it along a secondary path and changing an orientation of the positioning devices. The positioning devices 16 move along the primary transport paths while being separated from the orienting device. Further, Lehrieder et al suggests the separation of positioning and orienting devices in the apparatus of Herrmann to obtain the increased efficiency associated with such an arrangement.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new grounds of rejection were necessitated by the addition of

the limitations to claim 1 that the positioning device is capable of transporting along the primary transport paths while being separated from the orienting device and that the positioning device is loaded onto the orienting device for transporting articles along the secondary transport path. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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sjh
5/24/05

Kathy Matecki

KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600